

December 10, 2009

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 14

ALL MEMBERS PRESENT, EXCEPT LEGISLATOR WHYTE.
CHAIR MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 23E-11 (2008)
COUNTY EXECUTIVE: “Open Item - Sewer District Bond Authorization”
(6-0)

b. COMM. 7D-1 (2009)
DEPUTY COMMISSIONER, ENVIRONMENT & PLANNING: “Copy of Letter to Chair Marinelli and Legislator Kozub Concerning Sewerage Management”
(6-0)

c. COMM. 17M-24 (2009)
NY POWER AUTHORITY: “SEQR Notice of Determination - Niagara Ice Boom Storage - City of Buffalo”
(6-0)

d. COMM. 22E-4 (2009)
COUNTY EXECUTIVE: “ECSD No. 2 - Engineer Term Agreement - Greenman-Pederson, Inc.”
(6-0)

e. COMM. 22E-8 (2009)
COUNTY EXECUTIVE: “ECSD No. 3 & No. 6 - Energy Performance Contract - Change Order No. 2”
(6-0)

f. COMM. 22E-9 (2009)
COUNTY EXECUTIVE: “ECSD No. 1-6 and No. 8 - User Charge Rates”
(6-0)

g. COMM. 22D-5 (2009)
CONTRACT MONITOR, EC DEPT. OF ENVIRONMENT & PLANNING: “State Environmental Quality Review - West Main St. Hollywood Theater, Phase 2 - Village of Gowanda”
(6-0)

- h. COMM. 22M-3 (2009)
NYSDEC: “Fact Sheet - Depew Village Landfill Site - Notice for Public Comment”
(6-0)

i. COMM. 22M-7 (2009)
NYSDEC: “Notice of Surplus Pheasants to be Stocked in WNY”
(6-0)

j. COMM. 22M-8 (2009)
US EPA: “Community Update Concerning Air Quality Study and Evaluation of the Tonawanda Coke Facility ”
(6-0)

k. COMM. 25E-9 (2009)
COUNTY EXECUTIVE: “ECSD No. 3 - Engineering Term Agreement - CHA”
(6-0)

1. COMM. 25M-1 (2009)
NYSDEC: “Fish and Wildlife Monthly Highlights - 9/16/09 - 10/15/09”
(6-0)

m. COMM. 25M-7 (2009)
NYSDEC: “Fact Sheet - Cleanup Activities to Begin at Bengart & Memel Site - Buffalo”
(6-0)

2. COMM. 20E-22 (2009)
COUNTY EXECUTIVE
RESOLVED, the Erie County Legislature confirms the appointments of the following individuals to the Erie County Environmental Management Council for a term expiring May 31, 2011:

<u>Appointee</u>	<u>Representation</u>
Mr. Jerold Bastedo S-5215 Orchard Ave. Hamburg, NY 14075	At-Large
Mr. Peter Sorgi, Esq. 491 Griggs Pl. East Aurora, NY 14052	At-Large

Ms. Rosa Gonzalez 8 Lakewood Dr. Orchard Park, NY 14127	At-Large	Hon. Dwight Krieger Supervisor Town of Aurora 5 South Grove St.	Town of Aurora
Mr. Brian Smith Citizens Campaign 3144 Main St. Buffalo, NY 14214	At-Large	Mr. Richard Lee 5975 Old Orchard Dr. Hamburg, NY 14075	Town of Boston
Mr. Paul Furhmann Ecology & Environment, Inc. 368 Pleasant View Dr. Lancaster, NY 14086	At-Large	Hon. Leonard Pero Supervisor Town of Brant PO Box 100 Brant, NY 14027	Town of Brant
Mr. Jerrold Brown 140 Pearl St. Buffalo, NY 14202	At-Large	Mr. Dennis Sutton Office of Strategic Planning 920 City Hall Buffalo, NY 14202	City of Buffalo
Mr. Robert Lennartz 51 Timberlake Dr. Orchard Park, NY 14127	At-Large	Mr. Robert Stalker 15 Paula Dr. Cheektowaga, NY 14225	Town of Cheektowaga
Ms. Jill Spisiak Jedlicka Buffalo Niagara Riverkeeper 1250 Niagara St. Buffalo, NY 14213	At-Large	Mr. James DeLellis 8935 The Fairways Clarence, NY 14031	Town of Clarence
Mr. James Simon 1094 Elmwood Ave., Apt. 1 Buffalo, NY 14222	At-Large	Mr. Ronald Fraser 7744 Center Rd. West Falls, NY 14170	Town of Colden
Ms. Arlene Cooke 11672 Boncliff Dr. Alden, NY 14004	Town of Alden	Mr. Lamont Beers 2880 Wood Spirit Eden, NY 14057	Town of Eden
Mr. Don Duggan-Haas 92 South Dr. Amherst, NY 14226	Town of Amherst	Mr. Fred Streif 130 Streif Rd. Elma, NY 14059	Town of Elma

Mr. Thomas Marks
7004 Waring Circle
Derby, NY 14047

Town of Evans

Hon. James Britt
Councilman
Town of Holland
47 Pearl St.
Holland, NY 14080

Town of Holland

Mr. Sam Akinbami
2227 West River Rd.
Grand Island, NY 14072

Town of Grand Island

Ms. Leona Rockwood
5043 Mt. Vernon Blvd.
Hamburg, NY 14075

Town of Hamburg

Mr. Mark Colmerauer
53 Oliver Place
Hamburg, NY 14075
Mr. Kenneth Koehler
5771 Barnum Rd.
Akron, NY 14001

Village of Hamburg

Ms. Toni Cudney
5991 Scherf Rd. South
Orchard Park, NY 14127

Town of Orchard Park

Mr. Kevin Burd
292 Knowlton Ave.
Tonawanda, NY 14217

Town of Tonawanda

Mr. Peter Tarnawskyj
5716 Vermont Hill Rd.
South Wales, NY 14139

Town of Wales

Ms. Evelyn Hicks
276 Seneca Creek Rd.
West Seneca, NY 14224

Town of West Seneca

3. COMM. 22E-5 (2009)

COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature has awarded Contract 29W to M.L. Smith Construction, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 29W in the final contract amount of \$203,958.00, which includes Change Order No. 1 (final), a decrease of \$2,862.00.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 29W, between the County of Erie and M.L. Smith Construction, Inc., P.O. Box 250 Springview, New York 14140 is accepted in the amount of \$203,958.00, which includes Change Order No. 1 (final), a decrease of \$2,862.00; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 29W between the County of Erie and M.L. Smith Construction, Inc. in the amount of \$203,958.00 and make final payment from Sewer Capital, Erie County Sewer District No. 3 Account C.00066; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.

(6-0)

4. COMM. 22E-10 (2009)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Board of Managers for Erie County Sewer Districts Nos. 1, 2, 3, 4, 5, 6 and 8 have a system of Sewer District User Charges or Fees; and

WHEREAS, the Boards have requested and are desirous of collecting said User Charges or Fees in 2010 for properties in the same manner and fashion as the regular sewer district taxes as has been done in the past year.

NOW, THEREFORE, BE IT

RESOLVED, that the Director of Real Property Tax Services is hereby authorized and directed to spread said 2010 Sewer District User Charges or Fees against properties within Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 & 8 liable therefore as provided by law; and be it further

RESOLVED, that the following amounts be collected:

Sewer District #1	\$ 994,935.07
Sewer District #2	\$ 136,156.95
Sewer District #3	\$ 956,217.63
Sewer District #4	\$ 599,152.63
Sewer District #5	\$ 455,604.30
Sewer District #6	\$ 1,314,645.00
Sewer District #8	\$ <u>584,405.25</u>
	\$ 5,041,116.83

and be it further

RESOLVED, that the Clerk of the Legislature be authorized and directed to send a certified copy of this resolution to the County Executive, the Erie County Comptroller, the Director of Real Property Tax Services, the Director of Budget, the County Attorney and Michael J. Quinn, P.E., Deputy Commissioner, Department of Environment and Planning.
(6-0)

5. COMM. 25E-14 (2009)
COUNTY EXECUTIVE
WHEREAS, Erie County Sewer District No. 3, as stated in the Intermunicipal Agreement (February 2005) owns and operates the Village of Hamburg’s sanitary sewer collection system; and

WHEREAS, Village of Hamburg is under consent to eliminate sanitary sewer overflows in the sanitary sewers within the Village of Hamburg; and

WHEREAS, the Village of Hamburg must secure engineering services in order to relocate the South Buffalo (Hillview) Pumping Station as part of the Order on Consent from the New York State Department of Environmental Conservation; and

WHEREAS, the Intermunicipal Agreement (February 2005) states the County acts as the agent for the Village in regard to the Order on Consent; and

WHEREAS, per the Order on Consent the Village is obligated to pay for services relating to the Order on Consent; and

WHEREAS, the Village and the County have agreed that the County should retain engineering services and the Village will reimburse the County for the engineering services for the South Buffalo (Hillview) Pumping Station relocation.

NOW, THEREFORE, BE IT

RESOLVED, that an intermunicipal agreement between the County, on behalf of Erie County Sewer District No. 3 and the Village of Hamburg for reimbursement of engineering services for the South Buffalo (Hillview) Pumping Station Relocation Project is hereby approved; and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute an intermunicipal agreement with the Village of Hamburg subject to approval as to form by the County Attorney and as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Deputy Commissioner of the Department of Environment and Planning; and one certified copy to the County Executive; the Director of Budget, Management and Finance; the Erie County Comptroller; Eric Ziobro, Assistant County Attorney; and Thomas Moses, Mayor, Village of Hamburg.
(6-0)

6. COMM. 25E-15 (2009)
COUNTY EXECUTIVE
WHEREAS, the Erie County Legislature has awarded Contract 28E to Tom Greenauer Development, Inc.; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 28E in the final contract amount of \$173,519.10, which includes Change Order No. 1 (final), a decrease of \$10,790.90.

NOW, THEREFORE, BE IT

RESOLVED, that Contract 28E, between the County of Erie and Tom Greenauer Development, Inc., P.O. Box 250 Springbrook, New York 14140 is accepted in the amount of \$173,519.10, which includes Change Order No. 1 (final), a decrease of \$10,790.90; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 28E between the County of Erie and Tom Greenauer Development, Inc. in the amount of \$173,519.10 and make final payment from Sewer Capital, Erie County Sewer District No. 3 Account C.00066; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

7. COMM. 25E-16 (2009)
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 12AM to Paul Gallo Contracting, Inc. for the installation of a new sanitary sewer to eliminate an existing pumping station; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 12AM, Greenmeadow Subtrunk Sanitary Sewer, in the final contract amount of \$509,254.79 which includes Change Order No. 1 (final), a decrease of \$22,257.21 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00003.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 12AM, Greenmeadow Subtrunk Sanitary Sewer between the County of Erie and Paul Gallo Contracting, Inc. 4244 Ridge Lea Road, Amherst, New York 14226 is accepted in the amount of \$509,254.79 which includes Change Order No. 1 (final), a decrease of \$22,257.21 in Sewer Capital, Erie County Sewer District No. 3, Account No. C.00003 and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 12AM, Greenmeadow Subtrunk Sanitary Sewer between the County of Erie and Paul Gallo Contracting, Inc. in the amount of \$509,254.79 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this resolution to Michael J. Quinn, P.E., Department of Environment and Planning and one (1) certified copy to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Eric Ziobro, Assistant County Attorney.
(6-0)

DANIEL M. KOZUB
CHAIR